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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/518,933 03/03/00 ZAPPE

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IM52/0411

EXAMINER

SAVAGE, M

ART UNIT

PAPER NUMBER

1723

10

DATE MAILED:

04/11/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

09/518,933

Applicant(s)

ZAPPE, RONALD J

Examiner

Matthew O. Savage

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 16 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 16 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892)
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 18) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 19) ☐ Notice of Informal Patent Application (PTO-152)
- 20) ☐ Other:

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Applicant's election of species 1 in Paper No. 9 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

The corrected drawing of FIG.5 submitted on 6-5-00 has been canceled as requested in the preliminary amendment filed on 9-13-00.

The corrected drawing of FIGS. 2 and 3 submitted on 6-5-00 has been approved by the examiner.

The corrected drawing of FIG.5 (formerly FIG.6) submitted with the preliminary amendment on 9-13-00 has been approved by the examiner.

The preliminary amendment filed on 9-13-00 has been entered.

Claims 16 and 20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The following terms lack antecedent basis in claim 16: "the quality" on line 1; "the filtered fluid" on line 6; "the unfiltered fluid" on line 7; "the proportions" on line 9; "the proportion" on line 13; "the proportion" on line 17.

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carruthers.

With respect to claim 16, Carruthers discloses a method for controlling the quality of a fluid which is to be purified, the method including the steps of providing a filter 16 for filtering the fluid, conveying a portion of the fluid to the filter through a first passageway 14, discharging a portion of the filtered fluid and a portion of the unfiltered fluid through a second passageway 4, 13, controlling the proportions of the fluid flowing through the first and second passageways (e.g., valves 17, 23, and 28), analyzing the fluid discharged through the second passageway (e.g., via flow sight 26), and increasing the proportion of the fluid which is conveyed to the filter through the first passageway if the quality of the discharged fluid is below industry standards (e.g., when the oil has a dark color, see from line 54 of col. 1 of page 1 to line 6 of col.2 of page 1, and lines 17-35 of col.1, page 3). Carruthers fails to specify the steps of decreasing the proportion of the fluid conveyed to the filter through the first passageway if the quality of the discharged fluid is appreciably above industry standards, however, such a modification would have been obvious in order to optimize the efficiency of the method in the case that the discoloring contaminants in the fluid were lower than originally anticipated.

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Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carruthers as applied to claim 16 above, and further in view of Shugarman et al.

Carruthers fails to specify the fluid as being a cooking oil. Shugarman et al teach that it is know in the art to interchangeably use methods employing filters containing absorbents in both engine lubricating oil and cooking oil purification methods (see lines 17-18 of col.1, and lines 1-14 of col.4). It would have been obvious to have employed the method of Carruthers to purify cooking oil as suggested by Shugarman et al because Shugarman et al disclose that is is know to interchangeably use methods employing filters containing absorbents in both engine lubricating oil and cooking oil purification methods.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Savage whose telephone number is (703) 308-3854. This examiner can normally be reached from Monday through Friday from 7:00 AM to 3:30 PM.

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Matthew O. Savage
Primary Examiner
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M. Savage
February 23, 2001